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LABOR AND INDUSTRIAL RELATIONS

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ILLINOIS LABOR LEGISLATION

BY REUBEN G. SODERSTROM
PRESIDENT, ILLINOIS STATE
FEDERATION OF LABOR

LECTURE SERIES NO. 9

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ILLINOIS LABOR LEGISLATION

by

Reuben G. Soderstrom

President of Illinois State Federation of Labor

(Address given at Fourth Central Labor Union Conference, December 12, 1952,
at Robert Allerton Park, Monticello, Ill.)

The next session of the General Assembly of Illinois will convene on Wednesday, January 7, 1953. The opening date is fixed by the Constitution. The legislative period in this State, usually runs six months which means that the lawmakers will conclude their work on the 31st day of June of the new year.

Legislative-minded people, which includes the officers and members of the Illinois State Federation of Labor, become more legislative minded as the opening date of the 1953 session draws near. Two annual conventions of the State Federation have been held since the General Assembly adjourned in 1951, and between conventions the officers of the Illinois State Federation of Labor, have participated in a number of meetings and conferences with union business representatives, public officials and labor attorneys in an attempt to get suggested improvements in the Occupational Diseases and Workmen's Compensation Acts in shape for presentation to the House of Representatives and the Illinois Senate when the roll is called for introduction of bills, shortly after the first of the coming new year.

There is a mistaken idea in circulation during every legislative session which has to do with the enactment of so-called new laws. People, generally, through faulty reporting and misleading newspaper comment, are lead to believe that many new laws are enacted in each session of the General Assembly.

This report is nearly always untrue. Not many entirely new laws are passed. What the legislature has done in the past, and what it will do in the coming 1953 session, will be to amend existing laws. The number of entirely new legislative proposals passed are usually only a small percentage of the bills adopted by a session of the Illinois legislature. The legislature does revise and amend several hundred existing laws every time a regular session is convened. It will do that again in the year 1953.

The main duty of the Illinois State Federation of Labor is to safeguard and promote the interests of Illinois organized labor, and the interests of the working people of the state in general, primarily in relation to the enactment and administration of labor laws, and to respond to requests for advice that may be asked by affiliated locals or officers.

The American Federation of Labor relies upon its state organizations to act as guardians of the labor movement within their respective jurisdictions. It is therefore the first duty of the conventions of the Illinois State Federation of Labor to give the most thorough consideration to matters which are within the province of state activities.

In all matters relating to national and international problems requiring unified action, the various State Federations of Labor, including, of course, the Illinois State Federation of Labor, operate under the leadership and guidance of the American Federation of Labor. Attempts on the part of the 48 state bodies to make decisions in relation to national and international questions without consultation with the American Federation of Labor, their parent body, would tend only to create misunderstanding and confusion. The State Federations of Labor, however, are not debarred

from discussing such matters. They are given the fullest opportunity to express themselves within the AFL through their accredited delegates at the national convention. It is well to always bear in mind that the AFL, through its competent officers and staff at the national capital, close to the international scene and within reach of more information on the subject than is available to state bodies, is better qualified to reach sound conclusions on international matters than are any of its subordinate divisions.

For more than three score years, the Illinois State Federation of Labor has been the sole guardian of the legislative interests of the working people of the state. Every progressive labor law on the statute books of Illinois was placed there as the result of the efforts of our great state organization. There is no exception.

It is true, of course, that recently other organizations have made their appearance as a result of the division which took place 17 years ago in the national labor movement of the country, but this occurred after the Illinois State Federation of Labor, acting alone, had made its great record of achievement. The new organizations, fortunately, have recognized this fact and have avoided any interference with, or antagonism to, the legislative work of the Federation. It is hoped that this attitude on their part will continue.

The compensation rates provided for in the Illinois Workmen's Compensation Law must be revised upward in conformity with the great increases in the cost of living. This is particularly true in relation to the maximum for injuries and death under the law. In this connection, may I remind those present that ever since the enactment of the original

law 39 years ago it has been the practice of the Industrial Commission or the General Assembly sub-committees to call representatives of organized labor and employers to consider pending bills proposing changes in the law. Whenever the joint committee thus named has failed to reach an agreement, the legislature has refused to amend the Act. Both sides usually introduce bills in the Senate and in the House. The bills are then referred to sub-committees of the Senate and House committees on judiciary. These committees participate in the discussions of the joint conference of the representatives of labor and employers. The results of the joint discussions are reported to the main committees, and these "agreed" bills are finally reported to both houses.

It is true the procedure is not conducive to any thorough debate of the provisions of the law in either house because the responsibility for reaching decisions is placed upon the joint conference. The question as to whether this method should continue is always open to debate. It is almost certain, however, that any attempt to break away from the long-established practice will, for a considerable time at least, have no other effect than to delay action by the legislature for two years and perhaps more. The procedure has worked out fairly well in the past. Under prevailing conditions State Federation conventions have recommended its continuance.

What I have said about the Workmen's Compensation Act applies with equal force and significance to the Workmen's Occupational Diseases Act, which is a more recent law. There is still some doubt as to the exact scope of the Occupational Diseases Law. This is a matter to which the labor movement is giving careful attention. The improvements needed are the same as those proposed to the Workmen's Compensation Law. The two laws are usually acted upon together.

There was a time--nearly a quarter of a century ago--when only representatives of the employer and representatives of the employee would meet and try to agree upon increased benefits and other changes in the Workmen's Compensation and Occupational Diseases Acts.

The practice of limiting participation in such conferences to only employers and employees was looked upon by legislators as improper and questionable procedure and ended 22 years ago when the President of the Illinois State Federation of Labor refused to meet with the representatives of the employer, when the legislature was in session, unless the legislature also was represented in such employer-employee conferences.

To meet the objection raised by the Federation President, the Judiciary Committee of both the House and the Senate very properly appointed sub-committees to take charge of all hearings between representatives of the employer and representatives of the employees designed to translate discussion into improvements in the Occupational Diseases and Workmen's Compensation Laws.

During the past 22 years the legislature, through these sub-committees, have not only been represented in these hearings and conferences but have actually conducted them. Traditionally the Director of Labor, the Chairman of the Industrial Commission, and sometimes the Governor of Illinois will attend the first meeting called by the sub-committee.

With the legislature thus running the hearings, the procedure has become highly proper legislative procedure. Thus it becomes possible to attain a meeting of minds on controversial points and the reaching of agreements between employer and employee with the consent and guidance of the legislature. Nothing today can be adopted or agreed upon at these

hearings or conferences without the approval of the members of the legislative sub-committees.

This type of labor legislation, after having had sub-committee and full Judiciary Committee consideration, is still referred to as "afreed bills." This term is used, however, only after weeks and months of hearings are over and bills have been developed upon which the representatives of the employer, employees, and the legislature are agreed. No longer is there anything strange or unique about the hearing procedure. As a matter of fact every legislative proposal, which is of concern to several sections of our population, is handled in much the same way by the legislature. The present method of attaining amendments to Workmen's Compensation and Occupational Diseases Laws is not irregular. It is definitely regular.

Illinois is the only large industrial state in the Union which has remained entirely free from anti-labor legislation during two world wars and the postwar periods up to the present moment. Many antagonistic bills made their appearance in the Illinois legislature from time to time, but all met with defeat. It is an accomplishment fully justifying the existence of the Illinois State Federation of Labor, even if it had never done anything else.

The defeat of anit-labor proposals is in some respects even more important than passage of favorable laws, for the absence of anti-labor provisions on the statute books leaves the trade unions free to move forward under their own power without undue interference. The Illinois State Federation of Labor has refused to compromise on this issue. That is a policy which the State Federation insists should be strictly adhered to without modification.

Moderate increases have been made by the General Assembly during the last two sessions in the benefits payable to injured Illinois workers, and those who become afflicted with an occupational disease. House Bills Nos. 1253 and 1254 passed on third reading in the Senate on Thursday forenoon, June 28, 1951, provide an over-all increase of 13 1/3 per cent in the maximum weekly benefits as well as increases for other specific losses. On the basis of the benefit payments during the year 1950, the estimated increased annual cost to Illinois employers as a result of this legislation is \$3,750,000, or \$7,500,000 for the two years which will elapse between 1951 and the effective date of any legislation on this subject that may be enacted at the 1953 regular session of the Illinois General Assembly.

During the 1949 session of the Illinois General Assembly, we enacted legislation which increased the over-all benefits 15 per cent. The added cost per year to the employers of Illinois, as a result of the increases made in the benefits by the legislature four years ago, were also approximately \$3,750,000 per year, or a total increase in the costs of workmen's compensation and occupational diseases benefits to the employer during those two years of approximately \$7,500,000.

This means that the aggregate estimated increase in the costs to the employer, as a result of our action in this favorable General Assembly during the last two sessions of the General Assembly in increasing workmen's compensation and occupational diseases benefits is approximately \$15,000,000. These costs will be materially higher in event wage rates continue to increase as they have during the past several years. The bulk of these increased costs are, of course, reflected in corresponding increased benefits to the Illinois workers injured in the course of their

employment. (The estimated annual increase and employers costs are based upon figures secured from the National Council on Compensation Insurance.)

It wasn't easy. After several months of conference meetings, jockeying, and maneuvering in the last session of the General Assembly, the representatives of labor and the representatives of the employer finally reached an agreement with respect to improvements and benefit increases in the Workmen's Compensation and Occupational Diseases Acts. At all times the legislature was represented in the conferences by a sub-committee.

Stalemates and deadlocks occurred regularly during the attempts to reach an agreement, which became so serious that the House Judiciary sub-committee on June 11 decided to call a meeting and hear both sides with respect to the points of disagreement.

Labor representatives, led by Attorney Daniel Carmell, who had been selected at the beginning of the conference as spokesman for all branches of labor, charged that agreements entered into in good faith on June 1 were kicked over by the representatives of the employer on June 8.

Attorney Harlan Hackbert, attorney for the Illinois Manufacturers Association, demurred, and explained to the sub-committee that some injured people, not those receiving minimum or maximum benefits, but those in between, would receive higher benefits than their average weekly wage if the June 1 agreement was consummated in the enactment of legislation.

A general increase across the board of 13.3 per cent was suggested by several members of the House Judiciary sub-committee, but in no case was the injured worker in the intermediate or any other class, to receive more in benefits than his average weekly wage. This suggestion was accepted by both sides and broke the tieup or deadlock.

Also 20 weeks benefits were added for loss of an eye. Fifty weeks are added to the present 190 weeks if a leg or arm is amputated so short as not to permit application of an artificial limb. Chest, arm and leg injury below the knee to women workers are placed under the Act.

Attorneys for the United Mine Workers, Progressive Mine Workers, and CIO, as well as general labor spokesman Dan Carmell, chief legal counsel for the Illinois State Federation of Labor, immediately joined with Attorney Hackbert of the Manufacturers' Association, and drafted two agreed bills--one containing Occupational Diseases and the other Workmen's Compensation amendments.

They were brought to Springfield by Attorney Kahn of Dan Carmell's office. He placed them in the hands of the President of the Illinois State Federation of Labor who immediately called State Representative Robert H. Allison, who picked up the agreed bills, had them checked by the Illinois Reference Bureau and, after making the following members sponsors: Allison, Peel, Shapiro, Dixon, Meyer, Soderstrom, Stengel and Stransky, he had them advanced to the order of second reading without reference to a committee.

These two agreed proposals look like the outstanding labor achievement of the last session of the General Assembly. AFL labor in Illinois is very grateful to the Labor Department, the Industrial Commission, representatives of the employer and all branches of labor who participated in the conferences, and particularly Attorney Dan Carmell, spokesman of the labor group, for the patient and skillful efforts put forth which resulted in the improvement and progress represented in House Bills Nos. 1253 and 1254.

In the last session of the General Assembly, as you folks know, we secured some desired changes in the prevailing rate of wage law and also secured permission for merchants to place on their shelves yellow or colored oleomargarine. A voluntary health plan was enacted into law. Exemptions in the garnishment act were raised. Legislation was secured making it permissible for public employees to come under the federal social security act.

We secured the enactment of one bill which is designed to take care of those who are totally disabled and who are not taken care of under any other law. Workmen's compensation cases of state employees were taken away from the Court of Claims and placed in the Illinois Industrial Commission.

A licensing law for plumbers was enacted; an arbitration law for fire fighters was passed. The nonacademic employees of the University of Illinois received a new civil service law.

Our home work law was improved in the last session. A new barber law was enacted, and an inspection of boilers law was passed. The school teachers of Illinois received a new retirement law and some other teacher welfare legislation. Coal miners, railroad workers, civil service employees, and other state employees, were favored with beneficial legislation.

The Illinois State Federation of Labor drafted, sponsored, and promoted 40 bills in the last session and 31 of them were enacted into law. We lost nine bills, but 31 bills were passed. We came through the last session of the General Assembly victorious.

May I say this in conclusion. Human misery is more of a threat to our American way of life than socialism. Poverty is more of a menace

to our free enterprise system than communism. Strong unions through their economic power and legislative achievements wipe out human misery and abolish poverty and in this way eliminate the things which cause communism to come into existence, raise its ugly head, grow, and thrive.

The labor movement is the strongest bulwark against communism. It has built up a high standard of living in our beloved American through extensive participation in our system of free enterprise. This system is worth preserving, is worth retaining and worth defending. The wage earners of Illinois constitute the larger portion of our population, but only those who are organized are ever permitted an opportunity to be heard in industrial conferences and legislative halls. In fact, the union worker is the only worker who is articulate, who possesses the instrumentality through which his opinions can be voiced, and the agency through which his views can be translated into industrial policies and into law.

In order to continue our free enterprise system unions also must be free. Our standard of life and labor depends on this type of industrial freedom. Our high standard of living is not due to just one thing, however. It is due to a combination of things. There should be, also, a continuation of freedom of choice for wage earners so that they can work at their highest skill--work at the task or calling one likes best. This contributes to production. The incentive of higher pay and promotion are also in the production picture and should be maintained in order to reach an ever higher standard of living. Education is, of course, needed to raise the level of intelligence of not only wage earners, but all other elements of society so that free unions, freedom of choice, incentive

and education itself, and its contribution to our general prosperity is thoroughly accepted and understood by everybody. Our standard of living is affected either favorably by these things or unfavorably by the lack of these things.

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